

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Earl Lionell Ward,

Case No. 21-cv-0930 (WMW/DTS)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Tracey S Beltz, *Warden*,

Respondent.

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Earl Lionell Ward,

Case No. 21-cv-1232 (WMW/DTS)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Tracey S Beltz, *Warden*,

Respondent.

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This matter is before the Court on the May 3, 2021, and May 28, 2021 Reports and Recommendations (R&Rs) of United States Magistrate Judge David T. Schultz. (Case No. 21-cv-0930, Dkt. 12.; Case No. 21-cv-1232, Dkt. 7.) No objections to the R&Rs have been filed.<sup>1</sup> In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&Rs, the Court finds no clear error.

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<sup>1</sup> It is possible that Petitioner Earl Lionell Ward intended the filing of his habeas petition in Case No. 21-cv-1232 to constitute an objection to the R&R in Case No. 21-cv-0930. However, Ward's filing in Case No. 21-cv-1232 does not identify an error of law or fact in the R&R in Case No. 21-cv-0930. Therefore, to the extent that Ward intended to object to the R&R in Case No. 21-cv-0930, that objection is overruled.

Based on the R&Rs and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The May 3, 2021 R&R, (Case No. 21-cv-0930, Dkt. 12), is **ADOPTED**.
2. Petitioner Earl Lionell Ward's petition for a writ of habeas corpus, (Case No. 21-cv-0930, Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.
3. Petitioner Earl Lionell Ward's motion to appoint counsel, (Case No. 21-cv-0930, Dkt. 2), is **DENIED AS MOOT**.
4. The May 28, 2021 R&R, (Case No. 21-cv-1232, Dkt. 7), is **ADOPTED**.
5. Petitioner Earl Lionell Ward's petition for a writ of habeas corpus, (Case No. 21-cv-1232, Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.
6. Petitioner Earl Lionell Ward's motion to appoint counsel, (Case No. 21-cv-1232, Dkt. 2), is **DENIED AS MOOT**.
7. A certificate of appealability, *see* 28 U.S.C. § 2253(c), **SHALL NOT ISSUE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 30, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge